



WEB COPY

W.P.No.31769



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.31769 of 2014

and

M.P.Nos.1 to 3 of 2014

M.Selvi

... Petitioner

Vs.

1. The District Employment Officer,
District Employment Office,
Tiruvallur – 602 001.

2. The Commissioner,
Tiruttani Municipality,
Tiruttani, Tiruvallur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 20.8.2014 in Na.Ka.No.87/2014/C1 issued the 2nd respondent to the 1st respondent herein, quash the same and further directing the 2nd respondent herein to appoint the petitioner herein as typist in pursuant to the interview attended by the petitioner vide proceedings of the 2nd respondent dated 05.08.2014 in Na.Ka.No.87/ 2014/C1.

For Petitioner : Mr.G.A.Thiyagarajan

For R1 : Mr.Vadivelu Deenadayalan,
Additional Government Pleader



For R2

: Mr.P.Srinivas

ORDER

The brief facts that are relevant for disposal of the Writ Petition are as under:-

1.1. The Respondent No.2 herein, having decided to fill-up the post of 'Typist' in the General Turn (Priority), called for the list of eligible candidates from the Respondent No.1 through Letter No.87/13/C1 dated 09.05.2014, duly mentioning that the provisions provided under Rule 12(d) of the General Rules for the Tamil Nadu State and Sub-ordinate Services (hereinafter referred to as 'the General Rules' for short) will be applicable to the vacancy in question. The Respondent No.1 has forwarded the list of eligible candidates to the Respondent No.2, including the name of the petitioner. Accordingly, the petitioner was called for interview through proceedings bearing Na.Ka.No.87/ 2014/C1 dated 05.08.2014 and the petitioner appeared for the interview on 20.08.2014. However, it is thereafter the Respondent No.2, instead of concluding the selection process, addressed the impugned proceedings dated 20.08.2014 once again to the Respondent No.1, requesting for furnishing of the list of eligible candidates by duly stating that Rule 12(d) of the General Rules has no application to the post in question. It is aggrieved by the said proceedings, dated 20.08.2014, the petitioner



approached this Court by filing the present Writ Petition.

2. As seen from the impugned proceedings, the respondents claims to have mentioned as the relaxation of age provided under Rule 12(d) of the General Rules has application to the recruitment in question for the post of 'Typist', but after having realized about the non-application of the said Rule, cancelled the selection process and once again called for the list of eligible candidates from the Respondent No.1 through the impugned proceedings dated 20.08.2014. The counter filed by the Respondent No.2 is also to the same effect.

3. The learned counsel for the petitioner contended that the respondents, having initiated the selection process and having conducted interview for the petitioner and others, are not justified in once again calling for the list of eligible candidates from the Respondent No.1 and they are under obligation to conclude the selection process pursuant to the list of eligible candidates already furnished by the Respondent No.1.

4. This Court, after having noticed the controversy and in order to see the justification for the reasoning given by the Respondent No.2, examined in detail, as to whether the relaxation of age provided under Rule 12(d) of the General



Rules has infact has application to the post of 'Typist' in the Respondent No.2/ Municipality or not.

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5. A perusal of Rule 12(d) of the General Rules makes it clear that the said provision provides for exemption from the maximum age limit prescribed under the Special Rules to certain categories. The Special Rules are those Rules mentioned in Part-III of the Tamil Nadu Services Manual applicable to each service governing the post, as defined under Clause 19 of Rule 2 of Part-I of the Tamil Nadu State and Sub-ordinate Services Rules. The post of 'Typist' is not one of the post governed by the Special Rules mentioned in Part-III of the Tamil Nadu Services Manual. Therefore, it is evident that the exemption that is provided under Rule 12(d) of the General Rules has no application to the post of 'Typist' existing in the Respondent No.2/ Municipality. Therefore, this Court does not find any arbitrariness or illegality in the action of the Respondent No.2 in addressing the impugned letter dated 20.08.2014, requiring the Respondent No.2 to furnish the fresh list of eligible candidates without applying Rule 12(d) of the General Rules.

6. Further, merely conducting an interview and participating in the selection process does not confer any right on the petitioner to claim employment or appointment as a matter of right. Once the Respondent No.2, having realized its



mistake in erroneously applying Rule 12(d) of the General rules to the selection process in question, rectified the same and initiated the selection process afresh by addressing the impugned communication to the Respondent No.1. It is not in dispute that in case if the benefit of Rule 12(d) of the General Rules is not extended, the petitioner would be over-aged for appointment to the post of 'Typist' in question.

7. In the circumstances, this Court does not find any error or illegality in the impugned communication issued by the Respondent No.2 to the Respondent No.1 and accordingly, the Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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2. The Commissioner,



Tiruttani Municipality,
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MUMMINENI SUDHEER KUMAR, J.

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